

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICKEY A. BEAVER,

Plaintiff,

v.

JUDY HOBODY, DEBBIE NANSON,
SERGEANT K. JONES, COUNSELOR
KENTINER, SUSAN K. BELT,

Defendants.

CASE NO. C05-0210C

ORDER

This matter has come before the Court on Plaintiff's motion for summary judgment (Dkt. No. 35), Magistrate Judge Benton's Report and Recommendation ("R&R") thereto (Dkt. No. 54), and papers filed by the parties in response to the R&R. For the reasons that follow, the Court now ADOPTS the findings and conclusions made in the R&R and DENIES Plaintiff's motion.

Plaintiff brought this § 1983 action to recover money damages for alleged violations of his constitutional rights during his incarceration at the King County Regional Justice Center ("RJC"). The alleged violations include (1) a failure of constitutional proportions to provide adequate treatment for his mental health issues; (2) use of excessive force; and (3) a denial of due process in the context of a prison disciplinary proceeding.

1 Plaintiff moved for summary judgment with respect to his inadequate medical care and excessive
2 force claims. Judge Benton found that Plaintiff had either (1) failed to establish that he is entitled to
3 judgment as a matter of law, or (2) not shown that there were no more genuine issues of material fact in
4 question, as to both claims. Therefore, the R&R recommended that the motion be denied.

5 When objections to an R&R are filed, the Court must make a *de novo* determination of those
6 portions of the R&R to which objection has been made. 28 U.S.C. § 636(b)(1). Upon the Court's *de*
7 *novo* review of the legal issues raised in Plaintiff's objections, the Court finds that Judge Benton's R&R
8 adequately and correctly addressed all of the issues raised.

9 Plaintiff does, however, accuse Defendants of having manufactured documentary evidence to
10 rebut his factual allegations. Plaintiff's accusations are not buttressed by any evidence. Further,
11 Defendants submitted a declaration from their custodian of records verifying the documentary evidence
12 regarding medical treatment delivered to Plaintiff. For these reasons, the Court finds that Plaintiff's
13 accusations are without merit. Plaintiff's accusations do not affect the evidentiary value of Defendants'
14 documentary evidence.

15 In accordance with the foregoing, the Court hereby ADOPTS the R&R and DENIES Plaintiff's
16 motion for summary judgment.

17 SO ORDERED this 22nd day of November, 2005.

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UNITED STATES DISTRICT JUDGE